

1 Michael H. Steinberg (CSB 134179)
Laura E. Kabler (CSB 241281)
2 SULLIVAN & CROMWELL LLP
1888 Century Park East
3 Los Angeles, California 90067
Telephone: (310) 712-6600
4 Facsimile: (310) 712-8800

5 *Attorneys for Petitioners Joel Benoliel, et al.*

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8 UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 JOEL BENOLIEL, GREGG R. DAUGHERTY,
BRUCE E. HOSFORD, and DONALD S.
13 JEFFERSON,

14 Plaintiffs/Petitioners,

15 v.

16 BLACKHAWK PARENT LLC, a Delaware limited
liability company, and EOP OPERATING
17 LIMITED PARTNERSHIP, a Delaware limited
partnership,

18 Defendants/Respondents.
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Case No. C 07-03001-RMW

AMENDED

**JOINT STIPULATION AND
ORDER
CONTINUING THE HEARING
ON THE FIRST AMENDED
PETITION TO COMPEL
ARBITRATION AND THE CASE
MANAGEMENT CONFERENCE**

Prior Hearing Date: March 14,
2008

New Hearing Date: May 23, 2008

1 Pursuant to Civil Local Rules 6-1(b), 6-2, 7-7(b) and 7-12 of the Federal District
2 for the Northern District of California, Plaintiffs/Petitioners Joel Benoliel, Gregg R. Daugherty,
3 Bruce E. Hosford, and Donald S. Jefferson (collectively, "Petitioners"), by and through their
4 respective counsel, submit this Joint Stipulation and Proposed Order Changing Time concerning
5 Petitioners' pending First Amended Petition to Compel Arbitration (the "Amended Petition")
6 scheduled to be heard January 11, 2008 (the "Hearing").

7 WHEREAS, Petitioners filed the Amended Petition on July 27, 2007;

8 WHEREAS, Respondents filed a Memorandum of Points and Authorities in
9 Opposition to the Amended Petition (the "Opposition") on August 10, 2007;

10 WHEREAS, Petitioners filed a Reply in Support of the Amended Petition on
11 August 17, 2007;

12 WHEREAS, a hearing on the Amended Petition was originally scheduled for
13 August 31, 2007 at 9:00 a.m.;

14 WHEREAS, on August 27, 2007, the parties submitted a joint stipulation and
15 proposed order, continuing the August 31, 2007 hearing to September 28, 2007;

16 WHEREAS, on August 28, 2007, the Court entered the proposed order continuing
17 the August 31, 2007 hearing to September 28, 2007;

18 WHEREAS, a Case Management Conference was also scheduled to occur on
19 September 28, 2007;

20 WHEREAS, on September 18, 2007, the Court *sua sponte* ordered that the hearing
21 on the Amended Petition and the Case Management Conference be continued to October 19, 2007;

22 WHEREAS, upon a joint stipulation submitted by the parties, on October 11, 2007,
23 the Court ordered that the hearing on the Amended Petition and the Case Management Conference
24 be continued to November 9, 2007;

25 WHEREAS, upon a joint stipulation submitted by the parties, on October 31, 2007,
26 the Court ordered that the hearing on the Amended Petition and the Case Management Conference
27 be continued to December 7, 2007;

1 WHEREAS, upon a joint stipulation submitted by the parties, on November 30,
2 2007, the Court ordered that the hearing on the Amended Petition and the Case Management
3 Conference be continued to January 11, 2008;

4 WHEREAS, on December 19, 2007 the parties held their joint ADR Phone
5 Conference with G. Daniel Bowling, ADR Program Staff Attorney for the Northern District of
6 California, to discuss their continued progress towards a negotiated resolution of the issues raised
7 by the Amended Petition;

8 WHEREAS, upon a joint stipulation submitted by the parties, on January 9, 2008,
9 the Court ordered that the hearing on the Amended Petition and the Case Management Conference
10 be continued to March 14, 2008;

11 WHEREAS, on February 19 the parties held a further ADR Phone Conference with
12 G. Daniel Bowling, ADR Program Staff Attorney for the Northern District of California, and
13 reported substantial continued progress towards a negotiated resolution of the issues raised by the
14 Amended Petition;

15 WHEREAS, the parties have nearly concluded discussions directed toward
16 reaching a negotiated resolution of the issues raised by the Amended Petition;

17 WHEREAS, the parties agree to continue the Hearing and the Case Management
18 Conference until May 23, 2008; and

19 WHEREAS, the parties agree that this Stipulation does not waive any of the rights
20 or defenses available to either party, and that each party reserves its rights to assert any and all
21 rights and defenses in the future and to provide further papers updating the Court and providing
22 any further developments;

23 WHEREAS, the parties submit that the extension will not affect the ultimate
24 schedule of the case;

1 NOW THEREFORE THE PARTIES JOINTLY REQUEST THE FOLLOWING:

2 Subject to the Court's approval, pursuant to Civil Local Rules 6-1, 6-2, 7-7(b) and
3 7-12 of the Federal District Court for the Northern District of California, that the Hearing and the
4 Case Management Conference be continued to Friday, May 23, 2008 at 9:00 a.m. & 10:30 a.m.

5 Dated: March 11, 2008

SULLIVAN & CROMWELL LLP

6
7 /s/

8 Michael H. Steinberg
9 Attorneys for Plaintiffs/Petitioners
JOEL BENOLIEL, et al.

10 Dated: March 11, 2008

SIMPSON THACHER & BARTLETT LLP

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12 /s/ (with express permission)

13 Harrison J. Frahn
14 Attorneys for Defendants/Respondents
BLACKHAWK PARENT LLC and EOP
OPERATING LIMITED PARTNERSHIP

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16
17 Dated: 3/13, 2008

By

Ronald M. Whyte
The Honorable Ronald M. Whyte
United States District Judge